

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No.: 17-cr-20395  
Hon. Matthew F. Leitman

v.

WILLIE M. BURKS III,

Defendant.

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**PRELIMINARY ORDER OF FORFEITURE**

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The United States filed an Application for Entry of Preliminary Order of Forfeiture based upon the First Superseding Indictment and the terms of Defendant Willie Burks' Rule 11 Plea Agreement, and defendant's guilty plea to Count One of the First Superseding Indictment, Possession with Intent to Distribute Cocaine Base, in violation of 21 U.S.C. § 841(a)(1).

NOW THEREFORE, based upon defendant Willie M. Burks' acknowledgment of criminal forfeiture proceedings, Defendant's Rule 11 and guilty plea, the government's Application for Entry of Preliminary Order of Forfeiture and the information in the record, **IT IS HEREBY ORDERED AND ADJUDGED THAT:**

1. Pursuant to 18 U.S.C. § 924(d), Defendant Willie Burks shall forfeit any right, title and interest he may possess in any firearm and ammunition involved in or used in his violation of 21 U.S.C. § 841(a)(1).
2. The following property, which was involved or used in Defendant's violation of 21 U.S.C. § 841(a)(1) (hereinafter "Subject Property") **IS HEREBY FORFEITED** to the United States for disposition accordance with the law:
  - a. Walther, Model G22, .22 caliber rifle, serial number PW004592;
  - b. Taurus, Model PT92AF, 9mm pistol, serial number TLH73649D;
  - c. Fifteen (15) Rounds 9mm Ammunition with magazine;
  - d. Thirteen (13) Rounds 9mm Ammunition with magazine;("Subject Property.")

and any right, title or interest of Defendant, and any right, title or interest that his heirs, successors or assigns have or may have in the Subject Property **IS HEREBY AND FOREVER EXTINGUISHED.**
3. Upon entry of this Preliminary Order of Forfeiture, the United States Attorney General or his designee is authorized to commence any applicable proceeding to comply with the statutes governing third party rights, including giving notice of this Order.
4. Upon entry of this Order, the United States shall publish on [www.forfeiture.gov](http://www.forfeiture.gov) notice of this Preliminary Forfeiture Order and of its

intent to dispose of the Subject Property in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n). Said notice shall direct that any person, other than the defendant, asserting a legal interest in the Subject Property may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Subject Property. The petition must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Property, any additional facts supporting the petitioner's claim, and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Subject Property.

5. After the disposition of any motion filed under Fed.R.Crim.P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.
6. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), this

Preliminary Order of Forfeiture shall become final as to Defendant at the time it is entered by the Court. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture as to third parties, as provided by Federal Rule of Criminal Procedure 32.2(c)(2).

7. The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions.
8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

**IT IS SO ORDERED.**

/s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: June 7, 2019